

REC'D 16 MAR 2005 30 JUN 2005

10/541265


REC'D 16 MAR 2005
WIPO PCT

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P205679PCT YGR/jdo	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/NL2004/000002	International filing date (day/month/year) 06.01.2004	Priority date (day/month/year) 06.01.2003	
International Patent Classification (IPC) or national classification and IPC F16M7/00			
Applicant MACHINE SUPPORT B.V. et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 04.08.2004		Date of completion of this report 17.03.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Das Neves, N Telephone No. +31 70 340-4879	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000002

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-14 as originally filed

Claims, Numbers

1-22 received on 03.11.2004 with letter of 03.11.2004

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000002

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-3,8-22
	No: Claims	
Inventive step (IS)	Yes: Claims	1-3,8-22
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-3,8-22
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000002

Re Item I

Basis of the report

- 1 On special request of the applicant the examination has been limited to the claims 1-3 and 8-22 filed on 03/11/2004.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 2 Examination of claims 1-3 and 8-22 with regard to novelty, inventive step and industrial applicability is as follows:
- 3 Reference is made to the following documents:
- D1: US-A-6 068 234 (KEUS ELBERT CHRISTOFFEL EDWARD) 30 May 2000 (2000-05-30)
- D2: US-A-4 061 298 (KOBBER HUBERT REINHARD) 6 December 1977 (1977-12-06)
- 4 Referring to independent claim 1:
- 4.1 The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):
- 4.1.1 Adjustable foot for setting up equipment in alignment, comprising:
- an annular element (1) provided with an axial bore (5) with internal screw thread (6);
 - a shaft element (8) provided with external screw thread matching the internal screw thread (6), which shaft element (8), when screwed into the bore (5), can be adjusted in the axial direction with respect to the annular element (1) by turning with respect to the annular element (1);
 - a support part (9), provided on the top of the shaft element (8), and
 - a washer (10),
- wherein the washer (10) and the support part (9) are each provided with a

concave respectively **convex** surface having essentially the same radius of curvature, such that the angle of the washer (10) can be adjusted with respect to the support part (9), wherein the top surface of the annular element (1) is made sloping downwards in the radially outward direction, and the support part (9) is provided at the top of the shaft element (8).

- 4.2 The subject-matter of claim 1 differs from this known adjustable foot in that the convex surface is provided on the washer and the concave surface on the support part and in that the support part is located completely within a contour determined by the diameter of the external screw thread, and in that the external diameter of the washer is at most equal to the external diameter of the shaft element (*second adjustable part*).
- 4.3 The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
- 4.4 The problem to be solved by the present invention may be regarded as minimising the overall height of the adjustable foot.
- 4.5 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
- 4.5.1 None of the documents cited in the search report gives any hint that would lead the skilled person to the solution present in the characterizing portion of independent claim 1. Namely, the measure consisting in having the support part located completely within a contour determined by the diameter of the external screw thread, and in having the external diameter of the washer at most equal to the external diameter of the shaft element (*second adjustable part*) is the result of a step that was not suggested in the cited documents.
- 4.6 The subject-matter of claim 1 has an industrial applicability.
- 5 Referring to independent claim 9:

5.1 The document **D1** discloses (the references in parentheses applying to this document):

5.1.1 Adjustable foot (1) for setting up equipment in alignment, comprising:

- an annular element (2) provided with an axial bore (4) with internal screw thread;
- a shaft element (8) provided with external screw thread (10) matching the internal screw thread, which shaft element (8), when screwed into the bore (4), can be adjusted in the axial direction with respect to the annular element (2) by turning with respect to the annular element (2);
- a support part (13), provided on the top of the shaft element (8), and
- a washer (17),

wherein the washer (17) and the support part (13) are each provided with a convex respectively concave surface having essentially the same radius of curvature, such that the angle of the washer (17) can be adjusted with respect to the support part (13); and

- a cap (27) with a diameter greater than the diameter of the internal screw thread and/or greater than the diameter of the washer (17).

5.2 The subject-matter of claim 9 differs from this known adjustable foot in that the support part is located completely within a contour determined by the diameter of the external screw thread, and in that the external diameter of the washer is at most equal to the external diameter of the shaft element (*second adjustable part*).

5.3 The subject-matter of claim 9 is therefore new (Article 33(2) PCT).

5.4 The problem to be solved by the present invention may be regarded as minimising the overall height of the adjustable foot.

5.5 The solution to this problem proposed in claim 9 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

5.5.1 None of the documents cited in the search report gives any hint that would lead

the skilled person to the solution present in the characterizing portion of independent claim 9. Namely, the measure consisting in having the support part located completely within a contour determined by the diameter of the external screw thread, and in having the external diameter of the washer at most equal to the external diameter of the shaft element (*second adjustable part*) is the result of a step that was not suggested in the cited documents.

5.6 The subject-matter of claim 9 has an industrial applicability.

6 Claims 2-3, 8-22 are dependent on claims 1 and/or 9 and as such also meet the requirements of the PCT with respect to novelty and inventive step (the case when these claims are dependent on 4-7 is not examined, see paragraph 4 above).

Re Item VII

Certain defects in the international application

7 According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of e.g. the expressions "*shaft element*" and "*second adjustable part*" for the same feature (see claims 1, 9 and 16 and the description).

Re Item VIII

Certain observations on the international application

8 The application does not meet the requirements of Article 6 PCT, because claims 11 and 17 are not clear. The reasons therefor are the following:

8.1 Claim 11 is presently drafted as being dependent "*to one of the preceding claims*". That is unclear as claim 11 relates to a feature, namely the cap, that is not present in all of the preceding claims, i.e. 1-3, 8-10, but only in claims 8 and 9.

8.2 The present set of claims lacks conciseness as the additional feature of dependent claim 17 is already present in both independent claim 1 and 9. Therefore claim 17 is merely a repetition of features.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000002